



General Assembly

January Session, 2007

Committee Bill No. 284

LCO No. 4691

* SB00284JUD__041307__ *

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE PROTECTION OF PETS IN DOMESTIC VIOLENCE CASES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 46b-15 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (b) The application form shall allow the applicant, at the applicant's
5 option, to indicate whether the respondent holds a permit to carry a
6 pistol or revolver or possesses one or more firearms. The application
7 shall be accompanied by an affidavit made under oath which includes
8 a brief statement of the conditions from which relief is sought. Upon
9 receipt of the application the court shall order that a hearing on the
10 application be held not later than fourteen days from the date of the
11 order. The court, in its discretion, may make such orders as it deems
12 appropriate for the protection of the applicant and such dependent
13 children or other persons as the court sees fit. Such order may include
14 temporary child custody or visitation rights and such relief may
15 include but is not limited to an order enjoining the respondent from (1)
16 imposing any restraint upon the person or liberty of the applicant; (2)

17 threatening, harassing, assaulting, molesting, sexually assaulting or
18 attacking the applicant; or (3) entering the family dwelling or the
19 dwelling of the applicant. The court, in its discretion, may make such
20 orders as it deems appropriate for the protection of any animal owned
21 or kept by the applicant including, but not limited to, an order
22 enjoining the respondent from injuring or threatening to injure such
23 animal. If an applicant alleges an immediate and present physical
24 danger to the applicant, the court may issue an ex parte order granting
25 such relief as it deems appropriate. If a postponement of a hearing on
26 the application is requested by either party and granted, the order
27 shall not be continued except upon agreement of the parties or by
28 order of the court for good cause shown.

29 Sec. 2. Subsection (e) of section 46b-38c of the general statutes is
30 repealed and the following is substituted in lieu thereof (*Effective*
31 *October 1, 2007*):

32 (e) A protective order issued under this section may include
33 provisions necessary to protect the victim from threats, harassment,
34 injury or intimidation by the defendant, including, but not limited to,
35 an order enjoining the defendant from (1) imposing any restraint upon
36 the person or liberty of the victim, (2) threatening, harassing,
37 assaulting, molesting or sexually assaulting the victim, or (3) entering
38 the family dwelling or the dwelling of the victim. A protective order
39 issued under this section may include provisions necessary to protect
40 any animal owned or kept by the victim including, but not limited to,
41 an order enjoining the defendant from injuring or threatening to injure
42 such animal. Such order shall be made a condition of the bail or release
43 of the defendant and shall contain the following language: "In
44 accordance with section 53a-223 of the Connecticut general statutes,
45 any violation of this order constitutes criminal violation of a protective
46 order which is punishable by a term of imprisonment of not more than
47 five years, a fine of not more than five thousand dollars, or both.
48 Additionally, in accordance with section 53a-107 of the Connecticut
49 general statutes, entering or remaining in a building or any other

50 premises in violation of this order constitutes criminal trespass in the
51 first degree which is punishable by a term of imprisonment of not
52 more than one year, a fine of not more than two thousand dollars, or
53 both. Violation of this order also violates a condition of your bail or
54 release, and may result in raising the amount of bail or revoking
55 release." Every order of the court made in accordance with this section
56 after notice and hearing shall also contain the following language:
57 "This court had jurisdiction over the parties and the subject matter
58 when it issued this protection order. Respondent was afforded both
59 notice and opportunity to be heard in the hearing that gave rise to this
60 order. Pursuant to the Violence Against Women Act of 1994, 18 USC
61 2265, this order is valid and enforceable in all fifty states, any territory
62 or possession of the United States, the District of Columbia, the
63 Commonwealth of Puerto Rico and tribal lands." The information
64 contained in and concerning the issuance of any protective order
65 issued under this section shall be entered in the registry of protective
66 orders pursuant to section 51-5c.

67 Sec. 3. Section 54-1k of the general statutes is repealed and the
68 following is substituted in lieu thereof (*Effective October 1, 2007*):

69 Upon the arrest of a person for a violation of section 53a-181c, 53a-
70 181d or 53a-181e, the court may issue a protective order pursuant to
71 this section. Upon the arrest of a person for a violation of section 53a-
72 182b or 53a-183, the court may issue a protective order pursuant to this
73 section if it finds that such violation caused the victim to reasonably
74 fear for his or her physical safety. Such order shall be an order of the
75 court, and the clerk of the court shall cause a certified copy of such
76 order to be sent to the victim, and a copy of such order, or the
77 information contained in such order, to be sent by facsimile or other
78 means within forty-eight hours of its issuance to the appropriate law
79 enforcement agency. A protective order issued under this section may
80 include provisions necessary to protect the victim from threats,
81 harassment, injury or intimidation by the defendant, including but not
82 limited to, an order enjoining the defendant from (1) imposing any

83 restraint upon the person or liberty of the victim, (2) threatening,
 84 harassing, assaulting, molesting or sexually assaulting the victim, or
 85 (3) entering the dwelling of the victim. A protective order issued under
 86 this section may include provisions necessary to protect any animal
 87 owned or kept by the victim including, but not limited to, an order
 88 enjoining the defendant from injuring or threatening to injure such
 89 animal. Such order shall be made a condition of the bail or release of
 90 the defendant and shall contain the following language: "In accordance
 91 with section 53a-223 of the Connecticut general statutes, any violation
 92 of this order constitutes criminal violation of a protective order which
 93 is punishable by a term of imprisonment of not more than five years, a
 94 fine of not more than five thousand dollars, or both. Additionally, in
 95 accordance with section 53a-107 of the Connecticut general statutes,
 96 entering or remaining in a building or any other premises in violation
 97 of this order constitutes criminal trespass in the first degree which is
 98 punishable by a term of imprisonment of not more than one year, a
 99 fine of not more than two thousand dollars, or both. Violation of this
 100 order also violates a condition of your bail or release and may result in
 101 raising the amount of bail or revoking release." The information
 102 contained in and concerning the issuance of any protective order
 103 issued under this section shall be entered in the registry of protective
 104 orders pursuant to section 51-5c.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	46b-15(b)
Sec. 2	<i>October 1, 2007</i>	46b-38c(e)
Sec. 3	<i>October 1, 2007</i>	54-1k

JUD *Joint Favorable*